

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3818 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
NILESHBHAI AMRATBHAI PATEL

Versus

STATE OF GUJARAT

-----  
Appearance:

MR MC BHATT for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

-----  
CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 11/09/98

ORAL JUDGEMENT

1. Heard Ld.Advocate Mr.M.C.Bhatt appearing for the petitioner. Rule. Mr.M.A.Patel, Ld.APP waives service of rule on behalf of respondent-State.

2. By consent of learned advocates appearing for parties matter is finally heard.

3. In view of the facts that the chargesheet has been filed against the petitioner and other accused in respect to offence registered vide Cr.No.154/98 of Police Station and further proceedings are pending the present application is decided without expressing any opinion on merits of the facts.

4. Ld.APP Mr.M.A.Patel has vehemently opposed the prayer made by the petitioner to enlarge him on bail in view of the observations made by the trial court as well as Ld.Addl.Sessions Judge in their respective orders.

5. I have carefully gone through both the orders and in my opinion I do not find any reason as to why discretion under section 439(1) of the Code be not exercised in the facts and circumstances apparent from the said orders. Hence, the petitioner is ordered to be enlarged on bail in connection with Cr.No.154/98 registered at Prantij PS on his executing bond of Rs.25,000/- (Rupees Twenty Five Thousand only) and on furnishing surety for like amount to the satisfaction of the lower court on the following conditions:

- (a) not to take undue advantage of his liberty or misuse his liberty;
- (b) not to act in a manner injurious to the interest of the prosecution;
- (c) maintain law & order;
- (d) mark his presence before the Prantij PS on every Ist and 15th day of each month during the currency of this order any time between 9.00 am and 2.00 p.m.
- (e) not to leave the local limits of Sabarkantha District for a period beyond three days without the prior permission of the Sessions Judge Sabarkantha at Himmatnagar;
- (f) furnish the address of his residence at the time of execution of the bond and shall not change his residence without prior permission of this court;
- (g) to deposit his passport, if any, with the trial court while executing the bond.

If breach of any of the above conditions is committed, the Sessions Judge, Sabarkantha at Himmatnagar

will be free to issue warrant or take appropriate action  
in the matter.

Rule is made absolute accordingly. Direct  
Service permitted.

...